

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

JOHN DOE #1, an individual, JOHN DOE #2,  
an individual, and PROTECT MARRIAGE  
WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as  
Secretary of State of Washington,  
BRENDA GALARZA, in her official capacity  
as Public Records Officer for the Secretary of  
State of Washington,

Defendants.

NO. 3:09-CV-05456-BHS

DECLARATION OF VICKI  
RIPPIE

I, Vicki Rippie, declare as follows:

1. I am over the age of 18 and competent to testify on the matters contained in this Declaration.

2. I am the Executive Director of the Washington State Public Disclosure Commission (PDC). I have served in this capacity for nine years. I oversee the day-to-day operations of the agency, which is located in Olympia, Washington. I have been employed by the PDC since 1987, and became the agency's Executive Director on May 15, 2000. I was the Acting Executive Director from August 1999 through May 2000. From 1994 to 1999, I held

1 the position of Assistant Director for Public Information and Policy Development. In 1987, I  
2 relocated to Washington from Alaska, where I had been employed as Assistant Director of the  
3 Alaska Public Offices Commission (the PDC's counterpart agency) and as a special assistant to  
4 the Mayor of Anchorage. Prior to that time, I held legislative staff positions in Wisconsin.

5 3. The PDC was created through the passage of Initiative 276 in 1972 (effective in  
6 1973). Initiative 276 was codified in Chapter 42.17 RCW (RCW 42.17). That is the chapter of  
7 law the PDC implements and enforces. RCW 42.17 addresses a number of areas concerning  
8 disclosure of campaign and other information to the public. Those include campaign  
9 financing, lobbyist reporting, reporting of public officials' personal financial affairs, and  
10 reporting by public treasurers. The PDC does not implement or enforce the Public Records  
11 Act statutes now codified at RCW 42.56.

12 4. A second citizen initiative in 1992, Initiative 134, added several campaign  
13 finance provisions to RCW 42.17, such as creating contribution limits for state office elections.

14 5. The Commission has adopted rules to implement RCW 42.17. Those are  
15 located in Title 390 Washington Administrative Code (WAC).

16 6. The agency is led by a five-member bipartisan citizens' commission that is  
17 appointed by the Washington State Governor and confirmed by the Washington State Senate.  
18 The Commission members are not full-time employees; the Commission meets approximately  
19 one day a month to set policy, adopt rules, hear cases, make recommendations for legislative  
20 changes, and other similar activities. The current commissioners are the proposed additional  
21 defendants in this case: Jim Clements (the current chair), Ken Schellberg, David Seabrook,  
22 and Jane Noland.

23 7. Under RCW 42.17.370(10), the Commission is also authorized to hear requests  
24 from filers for modifications or suspensions of the reporting requirements in RCW 42.17.  
25 These are typically referred to as "modification requests."  
26

1           8.     The Commission has also adopted rules governing modification requests in  
2     WAC 390-28.

3           9.     One of the Plaintiffs in this action, Protect Marriage Washington ("PMW"),  
4     registered as a political committee by filing a political committee registration form ("C1pc") on  
5     May 13, 2009. On June 8, 2009, it began filing campaign finance disclosure reports, reporting  
6     its contributions and expenditures (on "C3" and "C4" reports). Because PMW files  
7     electronically, these reports are immediately made available to the public on the PDC's website  
8     at [www.pdc.wa.gov](http://www.pdc.wa.gov).

9           10.    In an email dated August 7, 2009, PMW's attorney Stephen Pidgeon requested a  
10    modification of the state campaign finance reporting requirements for PMW. The email also  
11    contained an attached letter from Mr. Pidgeon dated August 6, 2009. PMW's modification  
12    request sought an "emergency hearing" and order from the Commission relieving PMW from  
13    having to disclose its contributor names, addresses, and where required, occupations and  
14    employers, on the reports filed with the PDC. Through the date of this declaration, the  
15    information from PMW had been made available to the public.

16          11.    In its request, PMW also asked that the Commission "seal" PMW's campaign  
17    finance disclosure filings which had already been made available to the public, pending the  
18    Commission's hearing on the request.

19          12.    By letter dated August 11, 2009, PDC Assistant Director Doug Ellis confirmed  
20    receipt of PMW's modification request, declined to "seal" campaign finance and other records  
21    required to be made public under RCW 42.17 pending the modification hearing, and advised  
22    Mr. Pidgeon that a hearing on PMW's modification request would be scheduled before the  
23    Commission on August 27, 2009. The letter also advised Mr. Pidgeon that by August 14,  
24    2009, PMW could submit supplemental materials to the PDC regarding its modification  
25    request.  
26

13. On August 27, 2009, the Commission conducted a public hearing on PMW's modification request. Following the presentation of written and testimonial evidence and oral argument by PMW and Mr. Pidgeon and by PDC staff and its attorney, the Commission voted unanimously to deny the request. The Commission found that PMW failed to establish, as required by statute, clear and convincing proof that 1) the literal application of RCW 42.17 works a manifestly unreasonable hardship on PMW, and 2) that the suspension or modification will not frustrate the purposes of the chapter. A written order was issued on September 8, 2009 and mailed to PMW on September 11, 2009. It also described PMW's appeal rights to superior court under the state's Administrative Procedure Act at RCW 34.05.

14. To date, to my knowledge we have not received any notice that PMW has appealed this order to a superior court under RCW 34.05. To my knowledge, PMW has not sought reconsideration before the Commission. To my knowledge, we also have not received any notice at this time that a citizen has sought review of this order in the Thurston County Superior Court under RCW 42.17.370(10).

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct and of my own knowledge.

DATED and SIGNED this 1<sup>st</sup> day of October, 2009 at Olympia, Washington.

Vicki Rippe  
VICKI RIPP